

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

ORDER
04-CR-83A

BENJAMIN POWELL,

Defendant.

Following a plea of guilty, this Court sentenced the defendant Benjamin Powell to time served, and three years of supervised release. Judgment was entered on June 8, 2006. On February 13, 2007, the defendant was charged with violating the conditions of his supervised release. This Court held a hearing on the alleged violation and on April 16, 2007 found the defendant guilty of the alleged violations. The defendant was sentenced to 10 months incarceration for the violations. Judgment was entered on April 30, 2007.

On June 28, 2007, the defendant filed a document purporting to be a motion to vacate his conviction under 28 U.S.C. § 2255. Upon closer review of the document, it appears that the defendant is seeking an order from this Court requiring the Bureau of Prisons to change his current place of incarceration to a facility within a 500-mile radius of this District. Pursuant to 18 U.S.C. § 3621, the

designation of the place of incarceration rests exclusively with the Bureau of Prisons. Because this Court lacks authority to grant the requested relief, the motion is denied.

The Clerk of the Court is directed to close this case.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: December 17, 2009